

Calendar No. 1418

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1375

GEORGE W. LYLE

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5713]

The Committee on Claims, to whom was referred the bill (H. R. 5713) for the relief of George W. Lyle, under the jurisdiction of the United States Employees' Compensation Commission, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1927, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1927, 77th Cong., 3d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5713) for the relief of George W. Lyle, under the jurisdiction of the United States Employees' Compensation Commission, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

On December 5, 1912, George W. Lyle, while employed as a laborer by the Department of the Interior, Bureau of Reclamation, at Arrowrock Dam, Idaho, sustained injury when he was struck by a bounding rock, which resulted in a fracture of his left arm and fracture of his left leg below the knee; that he applied for compensation under the act of May 30, 1908 (35 Stat. 556); that his claim was approved and he was subsequently paid his full rate of pay for 1 year, this being the maximum benefits allowable under the provisions of the act of May 30, 1908.

The purpose of the proposed legislation is to merely provide Mr. Lyle with such medical, surgical, and hospital services, appliances, and supplies as the United States Employees' Compensation Commission finds is required to correct the condition in his leg; provided, that the Commission finds that the condition now existing is the result of the injury sustained by him on December 5, 1912; provided further, that the act shall not be construed to authorize payment for any medical expenses heretofore incurred.

Your committee has considered numerous claims from time to time for employees or the estate of employees for additional compensation for injuries sustained by them before the enactment of the Employees' Compensation Act, and while they were employed by the Federal Government. These claims have been

continually turned down for the reason that the total maximum benefits payable under the act of May 30, 1908, were paid, and also that none of the cases was for greater disability or further medical expenses resulting from the old injury.

In the instant case it is found that when Mr. Lyle's left leg was amputated a fragment of the fibula was left in the stump, also that the artificial leg was mis-fitted; that he did not suffer with his leg until a few years ago when he was transferred by the Bureau of Reclamation from the extremely hot climate and low altitude of the lower Colorado River in southern California to the higher altitude and colder climate of central Wyoming.

It is also pointed out that if Mr. Lyle's injury had occurred after the enactment of the Employees' Compensation Act, that is, in 1916, and had the Commission paid him the maximum benefits allowable under their law for the loss of his leg, they could at this time extend to him such hospital and medical treatment as might be required to correct his condition.

Lastly, it may be noted that the cost to the Federal Government by the passage of this legislation should be very small if there is to be any cost at all, for the reason that he will probably be sent to one of the veterans' hospitals or other Government hospital for treatment.

Appended hereto is the report of the Employees' Compensation Commission, together with other pertinent evidence.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION,
Washington, October 10, 1941.

HON. DAN R. MCGEEHEE,
Chairman, Committee on Claims, House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN MCGEEHEE: The Commission received your letter of September 26, 1941, transmitting two copies of the bill, H. R. 5713, for the relief of George W. Lyle under the jurisdiction of the United States Employees' Compensation Commission. You request to be advised whether it would be possible for the Commission to consider Mr. Lyle's claim without passage of legislation, and, if not, you request a report on the bill, together with the opinion of the Commission as to its merits.

The bill reads as follows:

"That such medical, surgical, and hospital services, appliances, and supplies, shall be furnished to George W. Lyle by the United States Employees' Compensation Commission, under the provisions of section 9 of the Act of September 7, 1916 (39 Stat. 743), as amended by section 1 of the Act of June 26, 1926 (44 Stat. 772), and other sections, as the United States Employees' Compensation Commission may find necessary to cure and relieve the injuries sustained by said George W. Lyle while employed by the United States Reclamation Service at Arrowrock Dam, Idaho, on December 5, 1912, to the same extent as though his injuries had occurred subsequent to September 7, 1916, and he had filed a claim for compensation within one year and the United States Employees' Compensation Commission had found that his injuries occurred while in the performance of duty: *Provided*, That this Act shall not be construed to authorize payment for any medical or other expenses heretofore incurred."

It appears from the file in this case that Mr. Lyle on December 5, 1912, while employed as a laborer by the Department of the Interior, Bureau of Reclamation, at Arrowrock Dam, Idaho, sustained injury when he was struck by a bounding rock, which resulted in a fracture of his left arm and fracture of both bones of the left leg, necessitating the amputation of his left leg below the knee. On January 14, 1913, Mr. Lyle filed a claim for compensation with the Department of Commerce and Labor under the act of May 30, 1908 (35 Stat. 556). The records show that on January 18, 1913, Mr. Lyle's claim for compensation was approved and he was subsequently paid his full rate of pay for 1 year, this being the maximum benefit allowable under the provisions of the act of May 30, 1908.

The total amount paid as compensation from December 5, 1912, to December 5, 1913, was \$808.80, the value of subsistence furnished amounted to \$150, and \$800 was paid by the Department for medical and hospital expenses. The aggregate amount of payments made in this case was \$1,758.80. It appears that at the expiration of the 1-year period for which compensation was paid under the act of May 30, 1908, Mr. Lyle's case was closed.

The Federal Employees' Compensation Act of September 7, 1916, which is administered by this Commission, did not provide for or authorize review by

this Commission of cases, such as Mr. Lyle's case, which had been adjudicated, paid, and closed by the Department of Commerce and Labor under the act of May 30, 1908. Mr. Lyle had received the full benefits authorized by the act of May 30, 1908, over 2½ years prior to the passage of the act of September 7, 1916. The Commission, therefore, would not be authorized to reopen and review Mr. Lyle's case except upon express legislative authority for such action.

The proposed measure (H. R. 5713) would direct the Commission to furnish to Mr. Lyle "such medical, surgical, and hospital services, appliances, and supplies" as the Commission may "find necessary to cure and relieve the injuries sustained" by him on December 5, 1912, "to the same extent as though his injuries had occurred subsequent to September 7, 1916, and he had filed claim for compensation within 1 year" and the Commission "had found that his injuries occurred while in the performance of duty," with the proviso "That this act shall not be construed to authorize payment for any medical or other expenses heretofore incurred." The bill, if enacted, would invest the Commission with authority to provide such benefits if found necessary.

It is noted that the bill contains no description of the injury on account of which it proposes to extend relief. A descriptive reference to the injury serves to identify the case, and it is therefore suggested that if the bill receives favorable consideration such a reference be inserted therein.

The Commission is unable to advise you relative to the merits of the bill as it has made no inquiry as to the employee's present physical condition or need for treatment. The only recent information in this connection which the file shows is that contained in a letter to the Commission dated May 12, 1941, from Hon. Henry C. Dworshak, M. C., which reads in part as follows:

"Since that time, Mr. Lyle has experienced considerable difficulty with this injury and now finds that a combination of nervous tension and eye strain is accentuating his disability. Mr. Lyle has just conferred with medical authorities at Denver, Colo., in an effort to determine what kind of treatment is necessary to preserve his health so that he may continue to render efficient service as an employee of the Bureau of Reclamation. I have been informed by Mr. Lyle, whom I have known for about 15 years, that the doctors have recommended either another operation to overcome nerve conditions as the extremity of his limb, or psychopathic treatments recommended by neurologists. In either case, the expense will be considerable and Mr. Lyle is seeking governmental assistance in taking care of this matter."

There are of course many other cases of employees injured or killed in the performance of duty prior to the approval on September 7, 1916, of the Federal Employees' Compensation Act. Whether the circumstances in this case are such as to distinguish it from other cases is a question upon which this Commission expresses no opinion, and consequently the Commission can make no recommendation as to the advisability of the enactment of the bill, H. R. 5713.

By direction of the Commission.

Very truly yours,

WM. McCAULEY, *Secretary.*

AFFIDAVIT OF GEORGE W. LYLE

STATE OF WYOMING,
County of Natrona, ss:

I, George W. Lyle, being first duly sworn, upon oath, depose and say: That on December 5, 1912, while in a duty status in the employ of the United States Bureau of Reclamation in connection with the construction of Arrowrock Dam, near Boise, Idaho, I was struck by a falling rock, as the result of which I suffered a badly crushed left leg and foot, a fracture of both bones in the left forearm, and apparently some injury to my spine with a resultant serious effect upon my eyes. I was 21 years of age at the time.

That report of the injury was made immediately and care and treatment as authorized under the compensation law then in effect was given me. The Government authorized two successive amputations of the injured leg, three additional operations on the leg and two on the injured forearm, and various treatments by physicians and by osteopathic, chiropractic, and natureopathic practitioners. Three artificial limbs were likewise purchased for me at various times.

That these efforts were successful to a limited extent and during the succeeding approximately 20 years, by careful attention to health measures, by adjustments and refittings of the artificial limbs and by corrections to my glasses, I

was able to continue at work and to secure some improvement in my physical condition.

That in connection with my employment in the Bureau of Reclamation I was transferred about 3½ years ago from the extremely hot climate and low altitude of the lower Colorado River in southern California to the higher altitude and colder climate of central Wyoming. Following this change in location the condition, first, of the leg and, second, of my eyes has become worse and the resultant increasing nervous tension has now seriously affected my general health and threatens to make further employment in my present position impossible. The condition of my eyes threatens to make further office work out of the question for me, and the condition of my leg will not permit most other kinds of work.

That this affidavit is presented by me for submission, through the Honorable John J. McIntyre, United States Congressman from Wyoming, to the Committee on Claims of the United States House of Representatives for consideration in connection with H. R. 5713, which would authorize medical, surgical, and similar services for my aid.

Further affiant saith not.

GEO. W. LYLE.

Subscribed and sworn to before me at Casper, Wyo., this 22d day of October 1941.

[SEAL]

R. A. MAGAR, *Notary Public*.

My commission expires May 10, 1944.

CASPER, WYO., October 30, 1941.

To Whom It May Concern;

This is to certify that I have attended Mr. George W. Lyle of 231 West Tenth Street, Casper, Wyo.

I first attended Mr. Lyle on May 13, 1941, and on examination I made a diagnosis of a duodenal ulcer, and patient was put on a diet, and given medication for same. It was also noted that his nervous system was very unstable, and he complained of being unable to sleep at night, also that the usual everyday routine seemed to make him quite nervous, especially his work.

In April 1941, Mr. Lyle was examined by Dr. C. S. Bluemel, of Denver, Colo., and a copy of his examination at that time indicated a neurosthenia; and the condition of the left knee, which had been previously amputated, was found to have no evidence of neuroma or other pathology of the peripheral nerve.

At the same time he was examined by Dr. Charles Sevier, an orthopedic surgeon, who took the X-ray of the stump, and reported that a fragment of the fibula is still present in the stump, that there is also an exostosis on the fibula which probably causes irritation of the external popliteal nerve; also that the artificial leg was ill fitted. Dr. Sevier advised the removal of the fibula, shortening of the nerve, and a better-fitting artificial limb.

Dr. James, of Casper, Wyo., examined Mr. Lyle's eyes and informed me that he could not improve the vision by change in glasses; that the eye condition probably was secondary to his general physical condition.

Very truly yours,

G. O. BEACH, M. D., F. A. C. S.

STATE OF WYOMING,
County of Natrona, ss;

Subscribed and sworn to before me at Casper, Wyo., this 30th day of October 1941.

[SEAL]

R. A. MAGAR *Notary Public*.

My commission expires May 10, 1944.

CASPER, WYO., June 20, 1941.

To Whom It May Concern;

Mr. George Lyle first consulted me on December 21, 1939, complaining of eye-strain with close work.

Vision with old correction in the right eye was 20/65, and in the left eye, 20/50. Glasses prescribed, after a refraction under cycloplegia, gave a vision in the right eye of 20/20 and the left eye 20/25. Bifocals were required for close work.

The following prescription was given: Right eye, -0.75 axis 5; left eye, -2.25 $+2.50$ axis 80; reading addition of $+1.50$ in each eye.

While Mr. Lyle has had no particular trouble with the bifocals, his eyes have continued to be tired.

Muscle balance is within normal limits, so that it is felt that most of his symptoms come from the great difference in the refraction of the two eyes. Due to this anisometropia, it is questionable whether it would be wise for Mr. Lyle to continue work which requires so much use of the eyes.

Very truly yours,

GEORGE R. JAMES, M. D.

STATE OF WYOMING,
County of Natrona, ss;

Subscribed and sworn to before me this 22d day of October 1941.

[SEAL]

WILLIAM H. JAMES, *Notary Public*.

My commission expires October 4, 1943.



The following is a list of the names of the persons who have been appointed to the various positions in the Department of the Interior, for the term of one year, beginning on the 1st day of October, 1917.

1. *Chief of Bureau* - Mr. J. H. ...
2. *Assistant Chief of Bureau* - Mr. ...
3. *Director of Land Office* - Mr. ...
4. *Director of Mineral Lands* - Mr. ...
5. *Director of Forest Service* - Mr. ...

6. *Director of National Parks* - Mr. ...
7. *Director of Reclamation* - Mr. ...
8. *Director of Indian Affairs* - Mr. ...
9. *Director of Geographical Names* - Mr. ...
10. *Director of Public Lands* - Mr. ...

11. *Director of Surveying* - Mr. ...
12. *Director of Engineering* - Mr. ...
13. *Director of Architecture* - Mr. ...
14. *Director of Art* - Mr. ...
15. *Director of Music* - Mr. ...

16. *Director of Literature* - Mr. ...
17. *Director of Science* - Mr. ...
18. *Director of History* - Mr. ...
19. *Director of Geography* - Mr. ...
20. *Director of Anthropology* - Mr. ...

21. *Director of Ethnology* - Mr. ...
22. *Director of Linguistics* - Mr. ...
23. *Director of Archaeology* - Mr. ...
24. *Director of Prehistoric Archaeology* - Mr. ...
25. *Director of Ethnographic Archaeology* - Mr. ...

26. *Director of Historical Archaeology* - Mr. ...
27. *Director of Prehistoric Archaeology* - Mr. ...
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